

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

WILLIE PATTON-BEY, :  
Petitioner, :  
vs. : CIVIL ACTION 06-0690-WS-C  
U.S. PAROLE COMMISSION, et al., :  
Respondents. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is ADOPTED as the opinion of this Court. It is ORDERED that this action be and is hereby DISMISSED without prejudice for failure to prosecute and to obey the Court's order.<sup>1</sup>

DONE and ORDERED this 5<sup>th</sup> day of January, 2007.

s/ WILLIAM H. STEELE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Prior to issuing his report and recommendation, Judge Cassady issued an order instructing the petitioner to file a petition using the Court's form, and to file a motion to proceed in forma pauperis. (Doc. 5). The petitioner responded by sending Judge Cassady a letter enclosing a "notice of appeal" to the Eleventh Circuit, to be "taken from any erroneous order of dismissal decreed by" Judge Cassady. (Doc. 7). The petitioner is advised that this document is ineffective as a notice of appeal. Judge Cassady entered no order of dismissal but only recommended that this Court do so; thus, only this Court's order and judgment can be appealed. Because this order and the accompanying judgment post-date the petitioner's "notice of appeal," it was not filed "after the court announces a decision or order." Fed. R. App. P. 4(a)(2). Nor does the "notice of appeal" identify this Court's order and judgment as those appealed from. *Id.* 3(c).